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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,842	06/01/2001	Akira Masumura	645-145	3721

7590

03/17/2003

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EXAMINER

SAMPLE, DAVID R

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 03/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,842

Applicant(s)

MASUMURA ET AL.

Examiner

David Sample

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because an article claimed by physical properties alone, and no specific composition is indefinite. See Ex Parte Slob, 157 USPQ 172.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 60200842 A (JP '842).

JP '842 discloses a glass composition, which is identical to the composition recited in instant claims 2, 3, 5 and 6. See the abstract and the examples in the Table on page 235.

The reference fails to disclose the optical property recited in claim 1 for the disclosed compositions. However, a glass's composition determines its properties, and the composition of the reference is identical to the glass recited in instant claims 2, 3, 5 and 6. Therefore, the claim 1 property is assumed to be inherent to the glass of the reference. See MPEP 2112.

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Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 6077144 A (JP '144).

JP '144 discloses a glass composition, which is identical to the composition recited in instant claims 2, 3, 5 and 6. See the abstract and Example 6 in the Table on page 235.

The reference fails to disclose the optical property recited in claim 1 for the disclosed composition. However, a glass's composition determines its properties, and the composition of the reference is identical to the glass recited in instant claims 2, 3, 5 and 6. Therefore, the claim 1 property is assumed to be inherent to the glass of the reference. See MPEP 2112.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross et al. (US 4,721,690).

Ross et al. discloses a glass composition, which has ranges of components that are sufficiently specific to anticipate the glass recited in instant claims 2-4. See col. 4, lines 5-20, and MPEP 2131.03.

The reference fails to disclose the optical property recited in claim 1 for the disclosed compositions. However, a glass's composition determines its composition, and the composition of the reference is identical to the glass recited in instant claims 2-4. Therefore, the claim 1 property is assumed to be inherent to the glass of the reference. See MPEP 2112.

Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Faulstich et al. (US 4,225,459).

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Faulstich et al. discloses a glass composition, which is identical to the composition recited in instant claims 2, 3 and 8. See Examples 11-14, 20-24, and 27-29 in Table 2, col's 7-10.

The reference fails to disclose the optical property recited in claim 1 for the disclosed compositions. However, a glass's composition determines its composition, and the composition of the reference is identical to the glass recited in instant claims 2-4. Therefore, the claim 1 property is assumed to be inherent to the glass of the reference. See MPEP 2112.

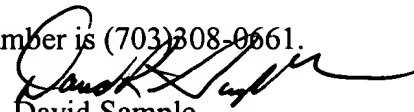
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Sample whose telephone number is (703)308-3825. The examiner can normally be reached on Monday to Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on (703)308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.


David Sample
Primary Examiner
Art Unit 1755

DRS
March 10, 2003